IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 3601 of 2007(D)

PETITIONER:

J.MUHAMMED KUNJU, AGED 55 YEARS,
S/O.UNNUNNI, PLAMMOOTTIL HOUSE, ERUVA,
KAYAMKULAM, ALAPPUZHA DISTRICT, WORKING AS
SECRETARY, THODIYOOR GRAMA PANCHAYATH,
KARUNAGAPPALLY.

BY ADV. SRI.S.SHANAVAS KHAN

RESPONDENTS:

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1. THE SECRETARY,
LOCAL SELF GOVERNMENT DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PANCHAYATHS,
THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR OF PANCHAYATHS,
KOLLAM.

4. D.P.VARADAKUMARI,
SENIOR SUPERINTENDENT, PAU-I,
OFFICE OF ASSISTANT DIRECTOR OF PANCHAYATH,
PATHANAMTHITTA.

R1 TO R3 BY GOVERNMENT PLEADER MR.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

W.P.(C) No.3601 of 2007

Dated, this the 28th day of February, 2007

JUDGMENT

The petitioner retired from service while working as Secretary of Thodiyoor Grama Panchayat. The grievance of the petitioner pertains to alleged denial of promotion to him to the post of Senior Superintendent. It is pointed out that the Departmental Promotion Committee which met for considering the case of those in the field of choice for promotion to the post of Senior Superintendent failed to consider the case of the petitioner and he has thus lost a valuable right. According to the petitioner his confidential records for the period from 1.1.2001 to 31.10.2004 were forwarded to the concerned authority, but the Departmental Promotion Committee for reasons not known to him did not consider his case. Even after retirement the petitioner has been filing representations before the second respondent Director of Panchayats for placing his case before the Departmental Promotion Committee and to include his name in the select list so that his right for promotion to the post of Senior

Superintendent will get recognised.

2. Ext.P3 representation was filed on 2.3.2006 while he was very much in service and Ext.P7 representation was filed on 12.12.2006. It appears that Ext.P7 representation is pending with the second respondent awaiting action at his hand.

3. Learned Government Pleader points out that the post of Senior Superintendent is a selection post and the right of the petitioner for promotion to that post will depend upon the decision taken by the Departmental Promotion Committee, and subject to the decision to be taken by the second respondent on Ext.P7, the case of the petitioner can be placed for consideration of the Departmental Promotion Committee in its next meeting and appropriate decision taken.

4. I think this Court will have to fix a time limit for doing the above exercise and intimating the petitioner the results thereof. Accordingly, the writ petition is disposed of directing the second respondent to consider Ext.P7 on merits, take appropriate decision in accordance with law and depending on the decision on Ext.P7 place the case of the petitioner before the next meeting of the Departmental Promotion Committee for appropriate

consideration as expeditiously as possible, and in any event within six weeks from the date of receipt of a copy of this judgment. Petitioner shall produce a copy of the judgment and a copy of the writ petition before the second respondent for compliance.

Sd/-
K.K.DENESAN,
JUDGE.

vns

/ true copy /

P.S. to Judge